



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 18 अगस्त, 1988/27 अगस्त, 1910

हिमाचल प्रदेश सरकार

DIRECTORATE OF STATE LOTTERIES

NOTIFICATION

Shimla-171002, the 9th September, 1987

No. Fin. (LTR) A (9) 1/86.—The Governor of Himachal Pradesh is pleased to make the following rules, namely:—

HIMACHAL PRADESH STATE LOTTERY RULES, 1987

1. These rules shall be called the Himachal Pradesh State Lottery Rules, 1987.
2. These rules shall apply to lotteries conducted by the Government of Himachal Pradesh through Organising Agent or departmentally and shall come into force with immediate effect.

3. *Definition.*—In these rules, unless the context otherwise requires,—

- (i) 'Government' means the Government of Himachal Pradesh.
- (ii) 'Director' means the Director of Himachal Pradesh State lotteries.
- (iii) 'Lottery' means a scheme for distribution or disposal of prizes by lot or chance where the right to participate accrues on the purchase of tickets and includes Raffles.
- (iv) 'Prize amount' means the prize amount payable to a prize winning ticket holder and excluding bonus/commission etc. paid to the Sellers, Agents or the Stockists by the Organising Agent.
- (v) 'Ticket' means the State lottery ticket released for sale of a particular draw.
- (vi) 'Negotiating Committee' means the Committee constituted under Rule 8 (b).
- (vii) 'Organising Agent' means the firm with whom the Agreement for the running of lottery is executed.
- (viii) 'Agreement' means an agreement executed between the Government of Himachal Pradesh and Organising Agent under sub-clause (vii) above.

4. The Himachal Pradesh State lotteries hereinafter referred to as the 'State Lotteries' shall be conducted by the Government of Himachal Pradesh either through an Organising Agent/or Agents hereinafter referred to as the Organiser, or departmentally.

5. The Directorate of State Lotteries shall be the only agency authorised to conduct Lotteries on behalf of the State Government. The Finance Department shall be the Administrative Department of the Government exercising control over the Directorate of State Lotteries.

6. There shall be a Director of State Lotteries (hereinafter referred to as the Director) for the administration of the Department of State Lotteries.

7. The Headquarters of the Himachal Pradesh State Lotteries shall be at Shimla.

8. The State lotteries shall be run either departmentally or through the Organisers for which open tenders shall be invited.

8. (a) Each tenderer shall furnish an earnest money of Rs. 25,000.00 (Rupees twenty-five thousand) in the shape of Bank draft drawn in favour of Director, Himachal Pradesh State Lottery, Shimla on any Bank located in Shimla. This amount is subject to change at the discretion of the Director keeping in view the market conditions.

8. (b) The tenderer should invariably specify whether the firm is a sole proprietorship or partnership or private Ltd. concern and attach relevant documents in support thereof. The contract shall be awarded to the firm which offers the highest profit on the basis of the open tenders. The period of the contract to be awarded shall be determined on the basis of the conditions drawn for inviting the tenders with the prior approval of the Government. A Negotiating Committee comprising of Finance Secretary, Law Secretary and Director, Himachal Pradesh State Lotteries shall consider the offers of various tenderers and recommend to the Government the name of the firm to whom the contract is to be awarded. The sale of tickets shall be managed by the said firm. This period of agreement can be extended at the sole discretion of the Government.

8. (c) The party appointed as Organising Agent shall be required to produce Income Tax Certificate before executing agreement.

9. There may be a sub-agreement to carry out the purposes of clauses of the agreement which shall be an integral part of the agreement.

10. The Organising Agent shall pay to the Government a guarantee amount of profit as decided on the basis of the offer given against invitation to tender.

11. The rate of lottery ticket shall be as may be fixed by the Government from time to time.
12. The lottery shall be run under the name and style of "Himachal Pradesh State Lottery" and shall be subtitled as may be mutually agreed upon between the Government and Organising Agent (Organiser).
13. The lottery tickets shall not be sold by the Organising Agent in the State or areas where the sale of the said tickets is prohibited by law.
14. For the weekly lottery there shall be 52 lottery draws in a year and the time gap between two draws shall be seven days. For the Bumper Lottery, the total numbers of draws to be held and the time gap between the two draws shall be determined mutually by the Government and the Organiser at the time of signing the Agreement. The date/dates for the draw/draws shall be fixed by the Government in consultation with the Organising Agents. The date so fixed shall not be altered except under special circumstances and at the absolute discretion of the Government only.
15. The maximum amount of First Prize in the case of weekly lottery shall not be more than Rupees One lakh. There may, however, be a separate first prize for each series. In the case of Bumper Draw the maximum amount of first prize shall not exceed Rs. 25 lakh. The Government may however, increase the quantum of the first prize at its discretion.
16. The total value of prizes to be paid for each draw shall not be less than 50% of the gross value of the tickets printed, inclusive of the incentives payable to the Agents, Sellers and Stockists etc., subject to the condition that not less than 35% of the gross value of the tickets shall go as prizes directly to the public. The said prize ratio can be varied at the sole discretion of the Government keeping in view the market trend.
17. The Organising Agent shall formulate the scheme containing the prize structure keeping in view the provisions contained in Rule 16 and furnish the same to the Government, at least 2 months in advance from the date of holding of each draw for approval.
18. The Organising Agent shall have to furnish cash security which shall be forfeited for breach of any terms and conditions of the agreement on the part of the Organising Agent. The amount of cash security to be furnished shall be determined by the Government at the time of inviting tenders.
19. The printing of lottery tickets shall be arranged by the Government and the expenditure on this account shall have to be reimbursed by the Organising Agent to the Government, before lifting the tickets from the printing press.
20. In the event of cancellation of any draw, the Organising Agent shall have to pay the guaranteed amount of profit, additional profit and printing charges, if the draw is cancelled after the printing of tickets. If the draw is cancelled before the printing of tickets the Organising Agent shall have to pay only the guaranteed profit to the Government.
21. The form, size and design of lottery tickets shall be decided by the Director, State Lotteries in consultation with the Organising Agent.
22. The tickets printed for each draw shall bear the facsimile signature of the Director, State Lotteries, Himachal Pradesh and also indicate the number and the date of draw.
23. There shall be a counterfoil for each ticket which shall contain the number of draw, the date of draw and the incentives payable to the Agents/Sellers etc. This condition shall not apply to the tickets printed for instant lottery.

24. On the reverse of the lottery ticket there shall be printed in English the number and date of draw, series in which tickets have been printed in a particular draw, prize pattern and such other essential details which the Director, may consider necessary for the information of the purchasers.

25. The tickets shall be got printed by Government at any press of repute.

26. The alphabetical series, the number of tickets etc. to be printed in each series and the total number of tickets to be printed for each draw shall be decided by the Government in consultation with the Organising Agent keeping in view the terms of the agreement.

27. The tickets shall be delivered by the press to the Organising Agent in a book let of 50 tickets each or as decided by the Government.

28. In case any defect or deficiency is noticed in the printed tickets it should be brought to the notice of the Director, and the Organising Agent and under no circumstances defective tickets should be sold. The Purchasers/Sellers/Agents can get correctly numbered tickets in exchange for defective tickets.

29. Notwithstanding the fact that the Organising Agent has not requested specifically for cancellation of draw/draws but if cancellation becomes inevitable on account of his failure to furnish the scheme or to make payment of dues to the Government or failure to lift the tickets or to discharge any other responsibility entrusted to him under the agreement, such cancellation shall be deemed to have been done at his request and he shall be liable to pay to the Government the guaranteed profit, additional profit (if any) and printing charges.

30. The Organising Agent shall pay all expenses (excluding establishment charge of the Directorate of Lotteries) incurred for each Weekly/Bumper draw.

31. The Director may allow the Organising Agent to lift the tickets for maximum of five draws in advance, against the Bank guarantee of a nationalised bank. The amount of bank guarantee shall be determined on the basis of prize amount, printing charges and guaranteed profit of each draw, and the number of draws for which tickets are to be lifted in advance. In case the liability for lifting tickets in advance exceeds the amount of the bank guarantee, the Organising Agent shall furnish additional bank guarantee for the additional liability.

32. The amount of guaranteed profit shall be calculated roughly for each draw separately and shall be paid by the Organising Agent to the Government through Bank draft within 7 (seven) days of holding of the draw for which the tickets have been lifted, against bank guarantee, or before lifting the tickets of subsequent draws, whichever is earlier, and in case he fails to do so the Government shall be at liberty to reimburse itself of this amount from the bank guarantee furnished by the Organising Agent without prejudice to its right to recover the amount through other lawful courses available to it under the terms and conditions of the agreement or otherwise.

33. The unclaimed prizes shall be forfeited in favour of the Organising Agent, provided that in case of claim of a forfeited prize being accepted by the Government or competent Court, the Organising Agent shall bind himself to reimburse the amount of such forfeited prize to implement the decision of the Government or the Court as the case may be.

34. The accounts of each draw shall be settled with the Organising Agent within 120 days of the holding of each draw, subject to the settlement of all claims.

35. The prizes in each draw which are not claimed by the prize winners within 45 (forty-five) days from the date of publication of results in Himachal Pradesh Government Gazette shall

not ordinarily be disbursed and shall stand forfeited to the Organising Agent, but Government may disburse the prizes at its sole discretion even after 45 days in which case the Organising Agent shall be bound to remiburse this amount to the Government.

36. Due publicity shall be given of the prize winning ticket numbers, by publishing the result in the State Government Gazette and such publication shall be deemed to be the official announcement of the result of the draw. Besides, the result of the lottery draw shall be published in the leading newspapers in India by the Organising Agent at his own expense.

37. The draws of the lottery shall be held at Shimla or such other place as decided by the Government in consultation with the Organising Agent under the strict supervision of the Government. The draws shall be held in public.

38. All kind of publicity to popularise the lottery scheme shall be made by the Organising Agent at his own expense, provided that such publicity shall not in any way undermine the prestige of the Government. The publicity shall not be misleading, represent facts wrongly or violate any of the terms of the agreement.

39. The terms and conditions which appear the lottery tickets shall be such as may be determined by the Government in consultation with the Organising Agent, provided that these terms and conditions shall not be inconsistent with the terms and conditions of the agreement or these rules. These terms and conditions will immediately with the printing of the tickets, become an integral part of the agreement.

40. In order to popularise and give an impetus to the sale of the lottery tickets, it shall be at the option of the Organising Agent to make direct payment to the individual winners of the prizes as also of seller bonus/prizes on such tickets upto the value as is agreed upon between the parties (i. e. Government and the Organising Agent) upon surrendering of the prize winning tickets and the counterfoils of such tickets, as the case may be and the amount so paid would be reimbursed/adjusted by the Government in final accounts to be settled with the Organising Agent. The details of the amount paid by the Organising Agent to the holder of the prize winning tickets and of seller's bonus/prizes will be submitted by the Organising Agent within a specified period from the date of each draw.

41. Proper account of the tickets sold and unsold, shall be kept and these accounts shall be open to inspection by the Director, Himachal Pradesh State Lotteries or any other officer so authorised in writing by him in this respect. The Organising Agent in respect of each draw may be required to furnsih certificate/statement of sold and unsold tickets to the Director.

42. In the event of any act of omission and or commission on the part of the Organising Agent causing a loss to the Government the Organising Agent shall make good the same.

43. The competent Court at Shimla shall have the jurisdiction in any dispute arising out of the agreement to be executed with the Organising Agent.

44. First Prize winning ticket should be surrendered to the Director, Himachal Pradesh State Lotteries either personally by the ticket holder or through a reputed Bank on a prescribed claim form, along with two passport size photographs duly attested by a Magistrate or Gazetted Officer within 45 days from the date of publication of result in the Gazette of Himachal Pradesh Government. Tickets for other prizes should be sent through registered post alongwith advance receipt within 45 days from the date of publication of result in the Gazette of Himachal Pradesh Government.

45. The stamp duties and registration charges of the agreement shall be borne by the Organising Agent.

46. In the event of a minor becoming a prize winner, the prize amount shall be given to the legal guardian on production of proof to the satisfaction of the Director regarding his guardianship status, failing which the amount shall be paid to the minor prize winner on attaining the age of majority.

47. Income Tax on prizes wherever applicable shall be deducted at source.

48. A ticket which is forged, torn, mutilated or tampered with shall not ordinarily be entertained.

49. Foreign prize winning ticket-holders will be paid in Indian currency.

50. One ticket will be entitled to win only one prize whichever is higher. Claim for prizes above Rs. 5,000/- shall be paid only after verification of the genuineness of the ticket by reference to the printing press and in case of any doubt the Director may get the ticket verified by a Forensic Science Laboratory or a Government Examiner of Questioned Documents.

51. If any question arises as to the interpretation of these rules, or any other matter concerning these rules it shall be referred to the Government and the decision of the Government shall be final.

52. After the draw is over, the record shall be kept in the custody of the office of the Director for a maximum period of three years, after which it shall be destroyed.

53. There shall be an arbitration clause in the agreement.

54. (a) No lottery shall be conducted by any individual or Organisation whether in Government or co-operative sector or by any other agency or body without the specific prior approval of the Government. The proposal for running a lottery shall be forwarded to the Director in the form as at Annexure 'A'. The Director has the exclusive right to grant or refuse permission for the conduct of any such lottery. While granting permission he may impose such conditions as he deems fit in the public interest, especially with regard to the following :—

- (a) Price of the ticket.
- (b) Percentage of prizes.
- (c) Area of sale.

Before granting permission the Director shall satisfy himself that the proposed lottery does not violate any of the clauses of the Rule *ibid*, that it serves a public or welfare purpose, and it does not come into conflict with the lotteries being run by the Directorate of State Lotteries.

54. (b) The Agency or body to whom permission has been accorded under clause 54 (a) shall within 60 days from the date of draw of its lottery furnish detailed accounts in the form as detailed in Annexure 'B' to the Director.

55. The Government reserves the right to alter or modify at any time these rules and the terms and conditions governing the Himachal Pradesh State Lottery.

All modifications to these rules will be notified in the Himachal Pradesh Government Gazette. Notwithstanding that these rules come into force with immediate effect, any action taken before the commencement of these rules shall be deemed to have been taken under these rules.

ANNEXURE 'A'

HIMACHAL PRADESH STATE RAFFLE RULES, 1987

[See Rule 54 (a)]

From

To

The Director,
Himachal Pradesh State Lotteries,
Shimla.

Subject:—Application form for seeking permission for running raffle draw(s) in Himachal Pradesh State.

Sir,

I/We propose to hold raffle draw on the eve of.....on.....and furnish the requisite information as under:—

1. Name of the Organisation/Institution
2. Whether the Organisation/Institution is private, Semi-Government or Government
3. Is the Organisation registered as a Company or Society or under any other Act ? If so, documents in support thereof be attached
4. Indicate the names of the Board of Director or Managing Committee
5. Objectives of the Organisation. Attach a brief note on its activities
6. No. of tickets proposed to be printed
7. Prize structure indicating the prizes to be given to the public etc. Commission to agents and sellers if any
8. Whether any such raffle was running earlier if so details thereof :
 - (a) Year and the date
 - (b) No. & date of sanction
 - (c) Whether accounts have been submitted to the Director if not reasons thereof
9. Purpose of raffle draw
10. Cost per ticket
11. Cash equivalent of prizes in kind
12. No. of draws to be held (including mini draws, if any)
13. Indicate places/area where the tickets are to be sold
14. Through which agency will the tickets are to be sold
15. Copy of Auditor's report of the preceding draw if any

I/We, declare that I/We shall abide by all the rules and regulations instructions, etc. imposed by the Director, Himachal Pradesh State Lottery.

Yours faithfully,

Place :

(— — —)

Date :

ANNEXURE "B"
HIMACHAL PRADESH STATE RAFFLE RULES, 1987
[See Rule 54 (b)]

From

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To

The Director,
Himachal Pradesh State Lotteries,
Shimla.

Subject:—Submission of Account.

Sir,

Kindly refer to your letter No.....dated.....vide which permission for running raffle draw on the eve of was sanctioned in our favour. I/We submit the accounts as per Rule 54 (b) of the Himachal Pradesh State Lottery Rules, 1987 as under:—

Date of Draw	No. of tickets printed	Amount collected on account of sale of tickets	Tickets remained unsold
1	2	3	4

Amount paid as prize money	Amount remained unclaimed from prize money	Remarks
5	6	7

Place :

Yours faithfully,

(— — —)

Date :

ANNEXURE "C"
APPLICATION FOR CLAIMING THE PRIZE AMOUNT
(See Rule 44)

To

The Director,
Himachal Pradesh State Lotteries,
Shimla-171002.

Name and Address

Father's/Husband's Name

Permanent Address
Occupation
Prize winning Ticket No.
Date of Draw
Rank of the Prize
Amount of the Prize (Rupees only)	Rs.

I herewith surrender the above-mentioned ticket duly signed by me on the reverse for payment of its amount.

Date.....

Signature of the applicant.

ADVANCE RECEIPT

Received a sum of Rs.....(Rupees.....only) from the Director, Himachal Pradesh State Lotteries, Shimla-171002 as prize amount on Ticket No..... Date..... draw held at Shimla on.....

Name & Address
(In Block Letters)

Afix revenue stamp of 20 paise and signature

